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Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolutions 70/172 and 69/188 on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of the human rights issues in the country from September 2015 to August 2016 and of the Government's engagement with the United Nations in that regard. While it is difficult to obtain up-to-date and comprehensive information about human rights developments in the Democratic People's Republic of Korea, the information gathered reveals a continuing pattern of serious human rights violations. The report provides recommendations to the Government of the Democratic People's Republic of Korea and the international community to address these endemic issues and to improve the situation of human rights in the country.

* The report was submitted after the deadline in order to take into consideration and reflect the latest developments.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 70/172 and 69/188 on the situation of human rights in the Democratic People's Republic of Korea and covers the period from September 2015 to August 2016. It provides an overview of the human rights situation in the country, based on the work conducted by the field-based structure of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Seoul. It also provides an overview of the activities of the United Nations in relation to the human rights situation in the Democratic People's Republic of Korea and of the Government's engagement with the United Nations in that regard.

2. The report provides an update on human rights issues in the Democratic People's Republic of Korea since the previous report of the Secretary-General to the General Assembly at its seventieth session (A/70/393), namely on the rights to life, liberty and security of the person, and to a fair trial; the right to freedom of movement; the right to freedom of expression and access to information; the issue of international abductions and separated families; the rights to food and health; and the rights of children, persons with disabilities and women. It remained difficult to obtain comprehensive and up-to-date information on those issues owing to the continued lack of access to the Democratic People's Republic of Korea and continued severe restrictions on seeking and receiving independent information. Thus, in most instances, it has not been possible to verify information on individual cases. However, the information gathered confirms persisting patterns of serious human rights violations that require prompt action.

3. The report contains recommendations addressed to the Government of the Democratic People's Republic of Korea and the international community and aimed at improving the human rights situation in the country, and reiterates the Secretary-General's call for the Government's constructive engagement in that regard.

II. Overview of the situation of human rights in the Democratic People's Republic of Korea

A. Rights to life, liberty and security of the person, and to a fair trial

4. Continued indications of significant violations of the rights to life, liberty and security of the person, and to a fair trial, remain of concern.

5. Information gathered by OHCHR revealed a continuing pattern of serious human rights violations occurring at detention facilities, including in pretrial detention centres (kuryujang), prison camps (kyohwaso), labour training camps (rodongdanryundae) and holding centres (jipkyulso). However, restrictions on access to information, particularly regarding the situation in prisons and other detention facilities, made it difficult to verify alleged individual cases.

6. A report by the Korea Institute for National Unification, published in April 2016, cited cases in which prisoners who had attempted to escape from prison

camps were allegedly executed. The report also cited cases of executions of individuals who had been found guilty of drug-related crimes.[1]

7. The 2012 Criminal Procedure Code of the Democratic People's Republic of Korea prohibits torture[2] and contains provisions for holding officials who have been found to engage in torture criminally accountable.[3] However, information gathered during the reporting period indicated that torture and ill-treatment continued to be routine in the context of detention, investigation and imprisonment. OHCHR documented cases of detainees who were reportedly forced to admit their crimes repeatedly, and were beaten or kicked if their accounts deviated from that of the authorities. In some pretrial detention centres, detainees were reportedly forced to sit completely still for many hours at a time. Individuals who moved would reportedly be beaten. In some pretrial holding centres, detainees were reportedly forced to engage in physical labour for up to 10 hours per day, without remuneration.

8. The Criminal Procedure Code contains no legal provision for independent judicial review of an arrest and OHCHR documented accounts of denial of the right to a fair trial. It received information that individuals suspected of committing crimes were in some cases held in pretrial detention facilities for periods that exceeded limits provided for in the Criminal Procedure Code.[4]

9. Detainees were in most cases not informed of their right to legal counsel and, in the vast majority of cases, were reportedly not given access to lawyers until their trial. In the absence of a lawyer and due to the lack of adequate legal safeguards against the arbitrary deprivation of liberty, a determination of guilt appeared to have been made in many cases at an early stage of the investigation process. In addition to examination by law enforcement officers, cases were reportedly also submitted to the People's Safety Committee under the local branch of the Workers' Party of Korea. The People's Safety Committee would reportedly make a decision on a suspect's guilt or innocence, and on the type of punishment that should be imposed, taking into consideration different factors, including a suspect's family background. The Criminal Procedure Code did not contain provisions for a review by the People's Safety Committee. Following this, cases were sent for indictment and trial. Cases were documented of detainees suspected of crimes considered not serious by local officials, including watching foreign films, who were able to secure their release by bribing local law enforcement officials.

10. There were no indications of change in the use of political prison camps, from that documented by the commission of inquiry established by the Human Rights Council to investigate violations of human rights in the Democratic People's Republic of Korea. The lack of access, including to areas where such camps are located, the limited number of people who manage to escape from such camps and

[1] Korea Institute for National Unification, White Paper on Human Rights in North Korea, April 2016, chap. II.

[2] 2012 Criminal Procedure Code of the Democratic People's Republic of Korea, article 166.

[3] Ibid., article 242.

[4] The Criminal Procedure Code provides for a maximum of six months and 20 days of pretrial detention, including the trial period, for individuals suspected of general crimes, and for a maximum of 50 days of pretrial detention for individuals charged with crimes carrying a possible sentence of short-term labour.

the consistent denial by the Democratic People's Republic of Korea authorities of the existence of such camps continue to validate previously expressed concerns for the situation of individuals held in such facilities.

11. During the reporting period, several foreign citizens were arrested by the Democratic People's Republic of Korea authorities and/or condemned to severe sentences, including life imprisonment and hard labour. On 16 December 2015, the authorities sentenced a Canadian citizen, Pastor Lim Hyeon Soo,[5] to life imprisonment with hard labour, for making negative comments against the leader of the Democratic People's Republic of Korea. On 2 January 2016, an American citizen, Otto Frederick Warmbier, was arrested by the authorities as he was leaving the Democratic People's Republic of Korea. He was charged with "hostile acts" in connection with stealing a poster from the hotel where he had been staying and, on 16 March 2016, he was sentenced to 15 years of hard labour. On 29 April 2016, an American citizen who was arrested on 2 October 2015, Kim Dong-chul, was sentenced to 10 years of hard labour on charges of subversion of the country's social system and espionage. In June 2015, two citizens of the Republic of Korea, Kim Kuk-gi and Choi Chun-gil, were sentenced to an indefinite period of labour for spying. Their compatriot Kim Jeong-wook, who was sentenced to life imprisonment with hard labour in 2014, remained in detention. On 6 October 2015, the authorities released a citizen of the Republic of Korea, Joo Won-moon, who had been held since 22 April 2015 for illegally entering the country.

B. Right to freedom of movement

12. Severe restrictions on freedom of movement continue to affect citizens of the Democratic People's Republic of Korea. They are not allowed to travel abroad without permission, and travel within the country is restricted, and has reportedly become particularly difficult for individuals seeking to reach provinces on the border with China. Some communities who live in these regions have reportedly also faced the threat of forced eviction. OHCHR documented information that people in three villages located in Ryanggang Province, close to the border with China, were forcibly evicted by the authorities in January 2015 and instructed to move further inland. The authorities reportedly made this decision because they suspected that those communities were filmed from China and that the footage could be used by other States to expose living conditions in the Democratic People's Republic of Korea.

13. Restrictions on freedom of movement within the country have also affected foreign nationals, who are required to obtain permission from the authorities for travel outside of the capital. For humanitarian monitoring visits, obtaining permission typically takes one week and when such permission is granted, there is virtually no flexibility to deviate from the planned itinerary. International staff members of United Nations agencies are required to be accompanied by a seconded local staff member. Since 2015, access to some counties in the northern provinces of Jagang and Ryanggang has been further reduced.

[5] See A/70/393, para. 6, where his name is spelled Hyeon Soo Lim (Rim Hyon Su).

14. Measures taken by the authorities of the Democratic People's Republic of Korea in October 2014 to prevent the spread of Ebola virus disease were partially relaxed in March 2015 for travellers coming from non-affected countries, and fully lifted for travellers from affected countries of West Africa in February 2016.[6]

C. Right to freedom of expression and access to information

15. Severe restrictions continue to be imposed on the rights to freedoms of expression, association and peaceful assembly. Public demonstrations, when they occur, are held to support government policies.

16. The most noticeable of the public demonstrations held during the period under review were the mass rallies organized in support of the nuclear test of 6 January 2016.

17. All mass media remain under the Government's full control and access to foreign media and international newspapers is prohibited for citizens of the Democratic People's Republic of Korea. Stringent controls, including house searches and seizures of personal property, continue to affect residents of border regions who are able to receive radio and television signals from abroad. Those found to be accessing materials considered to be illegal risk being arrested.

18. Citizens of the Democratic People's Republic of Korea use separate mobile telephone networks from foreign residents of the country and are prohibited from accessing the Internet. They continue to rely on a network of brokers based in China and Chinese mobile phone services to communicate with the outside world, including with their relatives in the Republic of Korea. This informal communication system imposes a significant financial burden on users as it typically involves middlemen, who request cash remittances and commissions. As the practice is illegal, it also puts the callers in the Democratic People's Republic of Korea at risk of detention or other punishment.

19. Since July 2015, extensive surveillance and screening measures have targeted members of the diplomatic community and staff of the United Nations. In June 2015, the authorities notified all diplomatic missions of these measures, stating that they concerned materials being brought into the country that "contain impure contents slandering and calumniating the Democratic People's Republic of Korea or contents that are contrary to the Democratic People's Republic of Korea laws, to spread them either by purposely dropping them in their accommodations or at the places they have visited, or by handing them over to Democratic People's Republic of Korea citizens".[7] In some cases, there have reportedly been extensive searches of electronic devices of the members of the diplomatic community and United Nations staff members upon entry into the country. Wi-Fi signals from diplomatic missions and diplomats' places of residence have been regularly monitored.

[6] The measures had required travellers from "Ebola-affected" countries which, according to the Government, included all African countries plus Spain and the United States of America, to be quarantined in a Government-designated hotel for 21 days under medical observation (see A/70/393, para. 18).

[7] Note verbale from the Protocol Department of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, 25 June 2015.

D. International abductions and separated families

20. In October 2015, the Governments of the Democratic People's Republic of Korea and the Republic of Korea organized a reunion event for individuals who had been separated from their relatives on the other side of the border. This followed an agreement between the two countries, in August 2015, to resume such reunions and encourage more economic exchange. However, plans for further reunions came to a halt after the Government of the Democratic People's Republic of Korea resumed nuclear tests and ballistic missile launches in early 2016.

21. Since the Korean War, 130,838 individuals in the Republic of Korea have registered for reunion with their relatives in the Democratic People's Republic of Korea. Since the Governments of the Democratic People's Republic of Korea and the Republic of Korea started organizing reunions in 2000, just over 2,000 families on each side have been able to meet their relatives. Almost half of those who registered have passed away without being able to restore contact. At present, the majority of those registered are above the age of 80.[8]

22. The fate and whereabouts of 516 individuals from the Republic of Korea who the Government of the Republic of Korea alleges were abducted by the Democratic People's Republic of Korea after the Korean War and until the early 2000s remain undetermined. Between 15 May 2015 and 18 May 2016, the Working Group on Enforced or Involuntary Disappearances transmitted 41 cases to the authorities of the Democratic People's Republic of Korea. On 4 January 2016, the Government of the Democratic People's Republic of Korea transmitted information on 14 cases. The Working Group considered that the information was insufficient to lead to a clarification. The total number of outstanding cases referred to the authorities was 94.

23. In 2016, in response to unilateral sanctions imposed by the Government of Japan, the Democratic People's Republic of Korea authorities stated that they would dissolve a special investigation commission that had been established in 2014 to conduct a comprehensive investigation into all Japanese nationals in the Democratic People's Republic of Korea, including abductees. Twelve Japanese citizens, abducted in the 1970s and 1980s, are still missing. In October 2015, a representative of OHCHR met with relatives of the abductees, including the parents of Megumi Yokota, who was abducted at the age of 13 from Niigata prefecture, Japan, in 1977. The Democratic People's Republic of Korea authorities have stated that she had passed away.

24. In 2015, 1,275 citizens of the Democratic People's Republic of Korea, 80 per cent of whom were women, arrived in the Republic of Korea.[9] The information received indicates that many women are recruited into human trafficking networks while trying to escape from the Democratic People's Republic of Korea. Some of these women are reportedly forced to marry Chinese men or to work in the informal sector in China. There are reports that a high number of escapees are forced to leave behind their children born in China when they continue their journey to the Republic of Korea. As these children are not registered, they are in many cases

[8] Republic of Korea, Ministry of Unification, "White Paper on Korean Unification 2016", Seoul, May 2016, pages 119-120.

[9] According to the Ministry of Unification.

unable to access basic services and live in a situation of extreme vulnerability. It is estimated that there may be between 20,000 and 30,000 children born in China to women escapees.[10]

25. On 7 April 2016, a group of 13 people from the Democratic People's Republic of Korea, 12 of them women, arrived in the Republic of Korea from China. OHCHR received a letter from the women's families through the authorities of the Democratic People's Republic of Korea alleging that the women were held in the Republic of Korea against their will. The Government of the Republic of Korea has refuted this, stating that the women had travelled to the Republic of Korea voluntarily. OHCHR is continuing to monitor the case.

26. The Secretary-General urges all stakeholders to take all necessary steps to resolve the issue of family separation, promote accountability for cases of enforced disappearance and ensure that mechanisms are in place for relatives in the two countries to remain in touch and reunite. The Secretary-General calls on the Government of the Democratic People's Republic of Korea to once and for all clarify the fate of individuals abducted from Japan and other countries in the past. He urges stakeholders to take steps to ensure that children born in China to parents from the Democratic People's Republic of Korea are afforded full protection, in accordance with the best interest of the child.

E. Right to food

27. Despite a slight improvement in the humanitarian situation in the Democratic People's Republic of Korea in recent years, the country continues to be affected by chronic food insecurity, exacerbated by recurring natural disasters, which has resulted in protracted undernutrition.[11]

28. As noted in the most recent report of the Secretary-General (A/70/393), the country suffered an extended period of abnormally dry weather in 2014 and 2015, resulting in repeated droughts. In May 2015, the total recorded precipitation was 57 per cent below average. As a consequence of the decreased water volume in dams, rivers and underground reservoirs, a significant increase in waterborne diseases and other health concerns was observed, including a 72 per cent on average increase in the number of cases of diarrhoea, owing to a lack of safe drinking water. In 2015, the Government approached the United Nations for assistance in responding to the critical needs of people in the most drought-affected areas. United Nations agencies allocated $6,276,700 for rapid response funding in the sectors of water, sanitation and hygiene and nutrition.

29. The most vulnerable groups, including children, pregnant and nursing women, and older persons, remain the most affected by malnutrition. One in three children below the age of 5 and almost half of children aged between 12 and 23 months are

[10] Korea Institute for National Unification, White Paper on Human Rights in North Korea, April 2015.

[11] World Food Programme, "Protracted relief and recovery operation — Democratic People's Republic of Korea 200907: nutrition support for children and women and strengthening community capacity to reduce disaster risks" (WFP/EB.A/2016/8-A/1/Rev.1), available from http://executiveboard.wfp.org/board-documents.

anaemic, and 28 per cent of pregnant women are undernourished. Based on an assessment of all community-based management of acute malnutrition programme sites nationwide, between January and June 2015, 30,158 children under five were treated for malnutrition. This number represents a significant increase from 2014, when 26,407 children below the age of five were treated for malnutrition, over the course of the whole year.

30. In 2015, the Government suspended the joint crop and food security assessment missions of the Food and Agriculture Organization of the United Nations and the World Food Programme (WFP) for a second consecutive year and decided to carry out its own assessment. According to government data, the total cereal production in 2015 for both the early harvest and main crops was 5.06 million tons, 11.4 per cent less than in 2014. The Ministry of Agriculture attributed much of that loss to the drought in 2015.

31. Some 18 million people, or 70 per cent of the population, reportedly still depend on the public distribution system for regular food rations, which are adjusted each month on the basis of national production estimates and expected food availability. According to government data, in the first three months of 2016, the ration was an average of 370g per person per day (a 10g reduction from the last quarter of 2015).[12] In April 2016, it decreased to an average of 360g per person per day. Rations are consistently lower than the Government average target of 573g per person per day. The country also faces significant challenges in bolstering nutritional security because food intake is heavily centred on the consumption of carbohydrate-rich cereals, with a deficit of protein-rich foods.

32. In October 2015, results from a food security and nutrition assessment conducted by WFP and the Government, in nurseries supported by WFP in 87 counties, indicated that the prevalence of stunting in children under five remained at moderate to high levels, at 25.4 per cent overall.

F. Right to health

33. The report of the 2014 socioeconomic, demographic and health survey, which was conducted by the Central Bureau of Statistics of the Democratic People's Republic of Korea with technical and financial support from the United Nations Population Fund, was published during the period under review. The survey found that mortality levels had decreased marginally since 2008, while the crude death rate had declined from 9.0 per 1,000 people in 2008 to 8.4 per 1,000 in 2014. Life expectancy at birth is 72 years — 68.2 years for men and 75.6 years for women. However, the difference between male and female life expectancy at birth has not decreased. According to the report, the neonatal, post-neonatal and infant and child mortality levels have all decreased in the past 15 years. The current infant mortality rate is 13.7 per 1,000 live births and the under-five mortality rate is 16.2 per 1,000. The maternal mortality rate has also declined from 85.1 per 1,000 live births in 2008 to 65.9 per 1,000 in 2014.

[12] An average cereal ration of 360g per person per day provides approximately 63 per cent of daily calorie requirements, with reference to the 2,100 calorie requirement for adults.

34. The survey shows that one in five of those aged above 80 years old need assistance with at least one daily living activity and 12 per cent need assistance in performing three activities, necessitating care and support. Nearly one fifth of those aged 70 and above report having have mobility problems.

35. With regard to reproductive health and rights, the choice of contraceptive methods continues to be limited to intrauterine devices, with 74 per cent of women reportedly utilizing the method. There are no programmes aimed at increasing access for adolescents to sexual and reproductive health information and services.

36. Some progress was made during the reporting period to fulfil recommendations accepted by the Government of the Democratic People's Republic of Korea during the universal periodic review. With regard to the recommendation to strengthen health services through better training of medical personnel, in-service training programmes on public health priorities, such as the integrated management of childhood illnesses, maternal health and the diagnosis and prevention of malaria and tuberculosis, have been introduced with the support of United Nations agencies.

37. With regard to the recommendation to implement a reproductive health strategy to reduce maternal and newborn mortality in line with the Millennium Development Goals, the Ministry of Public Health developed an "Every Newborn" action plan, with technical support from the United Nations, which is expected to be endorsed in 2016. In 2015, a simplified training of 600 doctors on emergency obstetric and newborn care was held at the county and provincial levels, with the support of the United Nations, with a focus on the preventable causes of maternal and newborn mortality. The immunization programme, with its near universal coverage, is the only public health programme providing all children with vaccination against vaccine preventable diseases.

38. The Government is currently developing a new medium-term strategic plan that aims at further reducing the infant mortality rate, increasing life expectancy at birth and eradicating several communicable diseases, by 2020. This is in line with the Government's commitment in the framework of the universal periodic review to implementing effectively a medium-term strategy for health.

G. Rights of the child

39. In April 2016, the Government submitted its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child, fulfilling commitments made as part of the universal periodic review of the Democratic People's Republic of Korea.

40. In its report, the Government stated that it had introduced a 12-year free and compulsory education system in 2014. It also highlighted that it had taken measures to ensure that all children have access to education "without any distinction as to their parents' occupations or social standing"[13] and that it had built hundreds of branch schools in remote areas of the country in an effort to increase access.[14] Findings of the 2014 socioeconomic, demographic and health survey, published

[13] The report is to be issued under the symbol CRC/C/PRK/5.
[14] Ibid.

during the reporting period, reiterated that the majority of the population over 5 years of age had completed secondary education, and that 19 per cent of men and 15 per cent of women had completed post-secondary education.

41. There were reports that prior to the period under review, entire families, including children, were detained and taken to political prison camps. Owing to the nature of such arrests and the secrecy surrounding political prison camps, the whereabouts of these children and their families are not known.

42. The Secretary-General notes that the Government of the Democratic Republic of Korea has an obligation to respect, protect and fulfil the rights and to protect the best interest of children under the Convention of the Rights of the Child. He also urges the Government to clarify the situation of children who are allegedly detained with their families.

H. Rights of persons with disabilities

43. Since signing the Convention on the Rights of Persons with Disabilities in 2013, the Government of the Democratic People's Republic of Korea has taken some steps towards its implementation. The relevant legislation has been amended, most notably the Law on the Protection of Persons with Disabilities (2013), which guarantees persons with disabilities "the same sociopolitical rights, freedom and interest" as other citizens. The Law on the Protection of the Rights of Children (2010) also provides important legal safeguards for children with disabilities, including equal rights to education and health care.[15] The information cannot be verified.

44. Education for children with sensory disabilities has reportedly been extended from 9 to 10 years, though further efforts are needed to improve access to education for children with disabilities. There are three schools for blind children, with approximately 115 students, and eight schools for deaf children, with about 1,200 students. The Korean Federation for the Protection of the Disabled has reportedly played a positive role in the promotion of the rights of persons with disabilities at the national and international levels, including through taking steps to implement the Government's four-year action plan on persons with disabilities. As part of the plan, the Government established the first kindergarten for deaf children, the National Association of the Deaf of Korea and the Sign Language Interpreters' Association of Korea.

45. The Secretary-General welcomes steps taken to improve the human rights of persons with disabilities and encourages the Government to ratify the Convention on the Rights of Persons with Disabilities, in line with its commitments in the context of the universal periodic review, and to ensure its full implementation.

I. Rights of women

46. On 23 November 2015, the Government notified the Secretary-General of its decision to withdraw its reservations to article 2, subparagraph (f), and article 9,

[15] Ibid.

paragraph 2, of the Convention on Elimination of All Forms of Discrimination against Women that related to legal measures to eliminate discrimination against women, and to equal rights of women and men with respect to the nationality of their children. In April 2016, the Government submitted its combined second, third and fourth periodic reports on the implementation of the Convention (CEDAW/C/PRK/2-4).

47. In its report, the Government describes the numerous legislative steps it has taken to enhance gender equality and women's empowerment. These include the adoption of the Law on the Protection and Promotion of the Rights of Women (2010) and the Law on Socialist Labour (2010). The laws were amended on 30 June 2015 to extend maternity leave from 150 days to 240 days.[16] The report also outlines steps the Government has taken to eliminate gender stereotyping, including through awareness-raising and media campaigns.

48. The Government reports a marginal increase in the proportion of women who have attained tertiary and higher education, with 7.3 per cent in 2014 compared to 6.7 per cent in 2008. In the same time period, the proportion of men attaining tertiary and higher education fell from 11.2 per cent to 10.9 per cent.[17]

49. Although women's equal rights to participate in political life are legally guaranteed, they remain significantly underrepresented in key political bodies. Of the 3,467 delegates with voting rights at the Seventh Party Congress, held on 6 May 2016, 315 (9 per cent) were women. According to national statistics, women accounted for 20.2 per cent of the deputies elected for the 13th Supreme People's Assembly in 2014 and 27 per cent of deputies elected for the local people's assemblies in 2015.[18]

50. Despite the positive steps described by the Government of the Democratic People's Republic of Korea in its report, there were indications that women continue to face significant obstacles to achieving equality. There were also reports of domestic violence and the lack of institutional redress in such cases. In a survey undertaken by the Korea Institute for National Unification between 2011 and 2015, 75.7 per cent of respondents, who were all escapees from the Democratic People's Republic of Korea, replied that the status of women in their country was "unequal" and 82 per cent indicated that domestic violence was "common".[19] Moreover, the Secretary-General remains concerned that women who seek to leave or have left the Democratic People's Republic of Korea are subject to trafficking and sexual abuse. They often risk refoulement and subsequent detention, during which they face serious human rights violations, including torture and ill-treatment.

III. Cooperation between the United Nations and the Government concerning the human rights situation in the Democratic People's Republic of Korea

51. The Government of the Democratic People's Republic of Korea took some positive steps to engage with the international human rights system during the reporting period. However, it continued to refuse to engage with the office of

[16] CEDAW/C/PRK/2-4, paras. 37 and 161.
[17] Data from the 2014 socioeconomic, demographic and health survey.
[18] CEDAW/C/PRK/2-4, para. 77.
[19] Korea Institute for National Unification, White Paper on Human Rights in North Korea 2015.

OHCHR in Seoul and with the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea. Increasing tensions following the Government's nuclear tests and missile launches in early 2016 had a negative impact on possibilities for dialogue and broader cooperation with the international community.

A. Intergovernmental bodies

52. On 21 September 2015, the Human Rights Council held a panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters. The same day, the United Nations High Commissioner for Human Rights provided an oral update to the Council on the role and achievements of OHCHR, including on the field-based structure, in accordance with Human Rights Council resolution 28/22.

53. On 10 December 2015, the Security Council discussed the situation of human rights in the Democratic People's Republic of Korea, for the second time since December 2014. The Under-Secretary-General for Political Affairs and the High Commissioner for Human Rights briefed the Council on that occasion. The Government of the Democratic People's Republic of Korea issued a statement strongly denouncing the convocation of the debate by the Security Council.

54. On 17 December 2015, the General Assembly adopted its resolution 70/172. As in its resolution 69/188, it encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts which, according to the commission of inquiry, may constitute crimes against humanity.

55. On 1 March 2016, the Minister for Foreign Affairs of the Democratic People's Republic of Korea addressed the Human Rights Council, reiterating his Government's objection to the "politicization of human rights", and declaring that the Democratic People's Republic of Korea would "no longer participate in international sessions singling out the human rights situation in the Democratic People's Republic of Korea for mere political attack", nor be bound by resolutions adopted in such sessions. The Minister added that the Democratic People's Republic of Korea would continue to engage in "genuine dialogue and cooperation in the area of human rights with any countries and persons that respect the sovereignty of the country based on the recognition of the diversity of social and political systems".

56. On 23 March 2016, the Human Rights Council adopted resolution 31/18 on the situation of human rights in the Democratic People's Republic of Korea, condemning "in the strongest terms the long-standing and ongoing systematic, widespread and gross human rights violations" committed in the country. The Council requested the High Commissioner for Human Rights to designate, for a period of six months, a maximum of two existing independent experts in support of

the work of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to focus on issues of accountability for human rights violations, in particular where the commission of inquiry found that such violations amounted to crimes against humanity.

B. Office of the United Nations High Commissioner for Human Rights

57. In accordance with its mandate, provided by the Human Rights Council in its resolution 25/25, the office of OHCHR in Seoul conducted monitoring, documentation and capacity-building and outreach activities. It engaged with governments and civil society and with individuals who had left the Democratic People's Republic of Korea, as well as with United Nations entities and humanitarian workers operating in the Democratic People's Republic of Korea, as well as with other stakeholders.

58. During the reporting period, the office in Seoul gathered individual testimonies corroborating information on allegations of human rights violations which it had previously recorded. As of August 2016, it had interviewed more than 100 individuals who had left the Democratic People's Republic of Korea. The office conducted three missions to Japan, where it met representatives of the Government and civil society, including researchers, victims of human rights violations in the Democratic People's Republic of Korea who had escaped to Japan and the relatives of abductees

59. The office in Seoul worked closely with relevant governments, the diplomatic community in Seoul, civil society actors and others to raise awareness of the human rights situation in the Democratic People's Republic of Korea. It made presentations at numerous civil society seminars in Seoul. It also addressed the fourth North Korean Human Rights Forum in Europe, organized by the Korea Institute for National Unification (Madrid, 19 October 2015), the international symposium on international cooperation towards resolution of the abduction issue, organized by the Government of Japan (Tokyo, 12 December 2015), and a conference on "North Korea: The Human Rights and Security Nexus" (Washington, D.C., 20 February 2016), held by organizations working on human rights in the Democratic People's Republic of Korea.[20] The office in Seoul hosted quarterly briefings for members of the diplomatic community in Seoul.

60. On 10 December 2015, OHCHR organized an event in Seoul on human rights and separated families, gathering members of such families who spoke about the painful experience of separation, as the health of elderly family members deteriorates and chances of being reunited with their loved ones decrease. Individuals whose relatives were abducted to the Democratic People's Republic of Korea described the challenges they faced after the abduction. Other speakers included representatives of the Republic of Korea's Ministry of Unification, university researchers and members of non-governmental organizations working with separated families, as well as the current and former ambassadors for human

[20] The Centre for Strategic and International Studies, the Committee for Human Rights in North Korea, the George W. Bush Institute, the National Endowment for Democracy and the Yonsei Center for Human Liberty.

rights of the Republic of Korea. Those affected by the issue called for increased action at the national and multilateral levels to help resolve the problem.

61. On 14 December 2015, the Judicial Policy Research Institute of the Republic of Korea and the office of OHCHR in Seoul co-hosted a seminar on human rights and legal assistance for individuals from the Democratic People's Republic of Korea. The event examined possibilities for moving forward with legal approaches for addressing human rights violations in the Democratic People's Republic of Korea. On 19 May 2016, the National Human Rights Commission of the Republic of Korea and the office in Seoul co-hosted an international symposium on "North Korean human rights: protecting and promoting women's rights in North Korea", with a focus on the United Nations human rights protection mechanisms.

62. The office in Seoul has been active on social media. Its website is available in English and Korean at http://seoul.ohchr.org and is regularly updated. The office has also established several social media platforms. Its Twitter account (@UNrightsSeoul) and Facebook page have attracted 3,000 subscribers. The activities of the office have been regularly covered by media in the Republic of Korea and internationally.

63. OHCHR has been seeking to engage with the Government of the Democratic People's Republic of Korea. In late 2015, the Government gave signs that it was making efforts in that regard. In particular, the Secretary-General welcomes the invitation that the Minister for Foreign Affairs extended in September 2015 to the High Commissioner to visit the country.

64. The Secretary-General welcomes the work of OHCHR, including of its office in Seoul, and considers it has an important role to play, including with a view towards ensuring accountability, which is fundamental for achieving peace and stability on the Korean Peninsula. The Secretary-General urges the authorities of the Democratic People's Republic of Korea to engage with the international community to improve human rights and the living conditions of its population. In particular, the Secretary-General encourages the Government to consider positively the offer by OHCHR as regards technical cooperation.

C. Human rights mechanisms

65. In November 2015, the Government notified the United Nations of its decision to withdraw its reservations to article 2, subparagraph (f), and article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discriminations against Women. In September 2014, the Government accepted the recommendations in the context of the universal periodic review to expedite the ratification of the Convention on the Rights of Persons with Disabilities, which it had signed in July 2013.

66. In line with its acceptance of recommendations stemming from the universal periodic review, the Government of the Democratic People's Republic of Korea submitted its combined second, third and fourth periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women on 11 April 2016 (CEDAW/C/PRK/2-4). It also submitted its combined fifth and sixth reports to the Committee on the Rights of the Child in April 2016.

67. The Government of the Democratic People's Republic of Korea has accepted 194 recommendations received during its first and second universal periodic review, in 2010 and 2014, respectively. In June 2016, the Department of International Organizations of the Ministry of Foreign Affairs and the Resident Coordinator agreed to hold periodic meetings regarding the plans of the Government for the implementation of universal periodic review recommendations.

D. United Nations entities operating in the Democratic People's Republic of Korea

68. The United Nations country team, under the leadership of the Resident Coordinator, worked with the Government of the Democratic People's Republic of Korea to complete a strategic framework for the period 2017-2021. The framework affirms the United Nations country team's role in supporting and advocating national priorities, including the Government's commitments to the Millennium Development Goals, the Sustainable Development Goals and other internationally agreed norms and standards. The five programming principles of a human rights-based approach, gender equality, environmental sustainability, results-based management and capacity development are integrated into the framework and tailored to the country context. The strategic framework was signed on 1 September 2016.

69. There has been some positive engagement with the State Committee on Emergency and Disaster Management regarding assessments. The State Committee facilitated two joint inter-agency assessment missions in 2015, one in response to the severe drought conditions and one following floods in Rason city. Such assessments and provision of relevant data are necessary to establish an appropriate humanitarian response. The Secretary-General therefore recommends that the process be sustained and further built upon within the framework of a national strategy for disaster risk management, which is to be developed.

70. However, the United Nations system in the Democratic People's Republic of Korea continued to operate under significant constraints imposed by the Government, with little noticeable improvement. The United Nations agencies working in the Democratic People's Republic of Korea have noted with concern the reduction in their geographical access. During its universal periodic review in 2014, the Government accepted four recommendations concerning its cooperation with international organizations and committed to working closely with humanitarian agencies to ensure their free and unimpeded access to all populations in need and to provide them with satisfactory monitoring conditions. It is imperative for the Government to review its policies in this regard so that the United Nations assistance to the population can be effective and meaningful.

71. The lack of independent contact with the local population and of inclusion of beneficiaries in the programming process remains a significant obstacle for United Nations agencies to develop and implement a human rights-based approach to humanitarian and development programmes. The constraints placed on monitoring visits diminish the independence, objectivity and comprehensiveness of such visits and consequently affect the efficiency, credibility and accountability of the United Nations.

72. Similarly, the Secretary-General regrets that the Government only allows the United Nations agencies access to limited information that is strictly related to the operations supported by each agency. The Government also still exercises

significant control over access to reliable and accurate data. The Secretary-General urges the Government to grant United Nations entities unconditional access to relevant disaggregated data to ensure their programmes can effectively target and reach the most vulnerable. Restrictions on the freedom of movement of United Nations agencies should be lifted.

73. The adoption of Security Council resolution 2270 (2016) and additional unilateral sanctions imposed on the Democratic People's Republic of Korea in 2016 have had an unintended negative impact on the humanitarian operations of the United Nations and other actors. In particular, the blockage of the transfer of funds to the country has delayed the delivery of humanitarian assistance and has forced United Nations agencies to suspend certain programmatic activities and to prioritize lifesaving activities, such as the provision of essential medicines, vaccines, food and nutritional supplements.

IV. Conclusion

74. The Secretary-General welcomes efforts within the United Nations to follow up on the findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, which exposed the need for profound structural reforms to promote and protect the rights of the population. The Secretary-General welcomes the steps taken by the Government to cooperate with international human rights mechanisms, notably the submission of reports on its implementation of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The Secretary-General also welcomes the Government's continuing engagement with the United Nations country team, including the recent signing of the strategic framework (2017-2021), and efforts to follow up on universal periodic review recommendations.

75. Despite such signs of cooperation, the Secretary-General is seriously concerned that there has been no tangible improvement in the human rights situation in the Democratic People's Republic of Korea since the report of the commission of inquiry was published in 2014 (A/HRC/25/63). He stresses that the human rights and humanitarian situation must remain high on the international agenda and be regularly discussed, including in all three principal organs of the United Nations dealing with human rights, namely the Human Rights Council, the General Assembly and the Security Council.

V. Recommendations

76. The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:

(a) Translate its commitments under the universal periodic review into concrete follow-up action in order to improve effectively the human rights situation throughout the country;

(b) Comply with its obligations arising from international human rights law, including the four core human rights treaties ratified by the State;

(c) Accept and implement all the recommendations made by international human rights mechanisms, including treaty bodies;

(d) Invite the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other independent human rights mechanisms to visit the country;

(e) Cooperate with the international community in relation to the implementation of Human Rights Council resolution 31/18 on the situation of human rights in the Democratic People's Republic of Korea;

(f) Engage constructively with the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and its office in Seoul, and seek technical assistance from OHCHR;

(g) Consider the findings and recommendations of the commission of inquiry and engage with the international community towards their implementation, including efforts to address the concerns expressed on the systematic, widespread and grave human rights violations;

(h) Engage meaningfully with all Member States concerned for the resolution of international abductions and enforced disappearances;

(i) Provide free and unimpeded access to United Nations and humanitarian agencies throughout the territory of the Democratic People's Republic of Korea, as well as to critical data, so as to enable them to fulfil their mandates and respond adequately to the needs of the population;

(j) Fully implement the recently signed strategic framework (2017-2021).

77. The Secretary-General recommends that the international community:

(a) Consider appropriate follow-up action to the report of the commission of inquiry, as called for in Human Rights Council resolutions 25/25, 28/22 and 31/18 and General Assembly resolutions 69/188 and 70/172;

(b) Further efforts to address the pervasive restrictions on public freedoms and serious human rights violations that have been reported by the commission of inquiry;

(c) Step up the provision of adequate and sustainable funding for humanitarian assistance, especially food and medicine, with a view to improving humanitarian conditions and the human rights situation;

(d) Take urgent steps to minimize the adverse humanitarian consequences of sanctions imposed on the Democratic People's Republic of Korea by extending full support to the United Nations agencies working in the country.

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Improving the financial situation of the United Nations

Financial situation of the United Nations

Report of the Secretary-General

Summary

The present report reviews the financial situation of the United Nations as at 30 September 2016 and provides an update to the information presented in the previous report of the Secretary-General (A/70/433/Add.1).

The report focuses primarily on four financial indicators: assessments issued, unpaid assessments, available cash resources and the Organization's outstanding payments to Member States.

Overall financial indicators for 2016 were generally sound and positive, with the exception of the regular budget cash position. Regular budget cash is currently exhausted, and the related reserves are almost exhausted. Severe cash problems will be experienced in the final months of the year unless sufficient contributions are received. Cash balances are projected to remain positive for the international tribunals and peacekeeping operations. The level of outstanding payments to Member States for troops and formed police units and contingent-owned equipment reflects a significant decrease.

A significant amount of regular budget assessments remains unpaid. Given the limited reserves available, the financial health of the Organization continues to depend on Member States meeting their financial obligations in full and on time.

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I. Introduction

1. The present report provides an update on the financial situation of the United Nations presented to the General Assembly by the Secretary-General in his previous report (A/70/433/Add.1). It mainly reviews the financial indicators as at 30 September 2016 and provides a comparison with the situations as at 2 October 2015 (see A/70/433) and 31 December 2015.

2. In the present report, the financial situation of the United Nations is considered on the basis of four main financial indicators that have been used to measure the strength of the Organization: assessments issued, unpaid assessed contributions, available cash resources and the Organization's outstanding payments to Member States.

II. Review of the financial situation as at 30 September 2016

3. The financial situation as at 30 September 2016 reflects a decrease in the level of assessments issued for the regular budget and the international tribunals, and an increase for peacekeeping operations. Unpaid assessments were higher for the regular budget and peacekeeping operations and lower for the tribunals than they had been one year ago. The level of outstanding payments to Member States reflects a decrease compared with the level one year ago. Overall, the financial indicators for 2016 are positive, although the regular budget cash position during the last quarter of the year continues to be a major concern. The final outcome will depend largely on incoming contributions during the remaining part of the year.

A. Regular budget

4. In 2016, assessments for the regular budget were issued at a level of $2.55 billion, $222 million lower than the level in 2015. Payments received by 30 September 2016 were lower, at $1.89 billion, compared with the amount of $2.25 billion received by 2 October 2015. Unpaid assessments at 30 September 2016 totalled $1.19 billion, which is $136 million above the level outstanding a year earlier.

5. As at 30 September 2016, 126 Member States had paid their regular budget assessments in full, which is two fewer than on 2 October 2015. The Secretary-General wishes to thank the 126 Member States that have honoured their obligations for the regular budget in full and urges the remaining 67 Member States to follow their example.

6. The amount of $1.19 billion that remained outstanding as at 30 September 2016 was highly concentrated among a few Member States. The final financial picture for 2016 will depend largely on the action taken by those Member States in the coming months.

7. Cash resources for the regular budget under the General Fund, into which assessed contributions are paid, include the Working Capital Fund, at the level of $150 million set by the General Assembly, and the Special Account, currently at a level of $201 million. At the end of 2013, 2014 and 2015, there were increasing

shortfalls of $31 million, $81 million and $217 million, respectively. Those shortfalls were covered by the Working Capital Fund and the Special Account. As at 30 September 2016, the cash shortfall was $344 million, which was also covered by the Working Capital Fund and the Special Account. Taking into account the reserves, a total of $7 million cash was available under the General Fund at the same date.

8. The regular budget experienced increasing cash shortfalls in July, August and September 2016. However, more severe cash problems will arise in the final months of 2016 unless sufficient contributions are received. The cash position will continue to be monitored closely. The final position at the end of 2016 will depend largely on the payments made by Member States in the coming months.

9. The overall level of available reserves (both the Working Capital Fund and the Special Account) is sufficient to cover only six weeks of regular budget operation. At 30 September 2016, those reserves were almost exhausted, with only $7 million remaining. Consequently, it would be prudent to review the adequacy of the level of reserves, in the light of the pattern of the payment of the assessed contributions of Member States and the level of commitment authority (financing without up-front assessment).

10. However, despite the liquidity problems that the Organization is facing with respect to the regular budget, as noted by the Board of Auditors in its most recent report on the financial statements of the United Nations (A/71/5 (Vol. I)), the financial health of the United Nations as a whole remains sound, as it has sufficient assets overall to meet both short-term and longer-term liabilities.

B. Peacekeeping operations

11. The changing demand for peacekeeping activities makes it difficult to predict financial requirements. In addition, peacekeeping has a different financial period, running from 1 July to 30 June rather than by calendar year; assessments based on applicable scale of assessment periods are issued separately for each operation; and, since assessment letters may be issued only through the mandate period approved by the Security Council for each mission, they are issued for different periods throughout the year. All of these factors complicate a comparison between peacekeeping operations and the regular budget.

12. The unpaid amount for peacekeeping operations as at 30 September 2016 was $2.34 billion. A total of $10.3 billion has been assessed for peacekeeping operations in 2016. Contributions received so far in 2016 amount to $8.9 billion.

13. Owing to the unpredictable amount and timing of peacekeeping assessments throughout the year, it can be difficult for Member States to keep fully current with them. The Secretary-General therefore wishes to express special gratitude to the 25 Member States that by 30 September 2016 had paid all peacekeeping assessments that were then due and payable.

14. The amount of cash available for peacekeeping operations as at 30 September 2016 was approximately $5 billion, with $4.7 billion in the accounts of active

missions, $198 million in the accounts of closed missions and $139 million in the Peacekeeping Reserve Fund.

15. With regard to outstanding payments to Member States, the Secretariat has continued to make every effort towards minimizing the level of those payments. Outstanding payments amounted to $824 million at the end of 2015, and it is projected that the year-end level for 2016 will be $713 million, reflecting a significant decrease.

16. As at 30 September 2016, $126 million was owed to Member States for troops and formed police units. With regard to contingent-owned equipment claims, $376 million was owed for active missions and $86 million for closed missions. Those components add up to $588 million, reflecting a decrease compared with the level one year ago.

17. The related payment situation on 30 September 2016 was as follows:

(a) Payments for troops and formed police unit costs for all missions were current up to July 2016;

(b) Payments for contingent-owned equipment for all active missions were current up to June 2016.

18. The Secretary-General is committed to meeting obligations to Member States providing troops and equipment as expeditiously as possible. In that regard, the peacekeeping cash flow situation is being monitored closely, with a view to maximizing quarterly payments to Member States on the basis of cash and data availability. To do so, however, the Organization depends on Member States honouring their financial obligations in full and on time, and also on the expeditious finalization of memorandums of understanding with troop contributors for the provision of equipment.

C. International tribunals

19. The international tribunals comprise the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals. The overall financial position of the tribunals remains generally sound in 2016. As at 30 September 2016, unpaid assessments for the tribunals amounted to $55 million, which was lower, by $14 million, than the amount outstanding on 2 October 2015.

20. As at 30 September 2016, 101 Member States had paid their assessed contributions to both tribunals and the International Residual Mechanism in full, which is 7 more than the number in 2015. The Secretary-General wishes to express his appreciation to the 101 Member States that have met their obligations in full, and urges other Member States to pay their contributions to the international tribunals in full and on time.

21. The month-by-month position of cash balances for the tribunals were positive in 2014, in 2015 and, so far, in 2016, and are expected to remain solid through the year's end. The final position will depend on incoming payments from Member States during the final months of 2016.

D. Capital master plan

22. A total of $1.87 billion was assessed under the special account for the capital master plan. As at 30 September 2016, the bulk of the assessed contributions had been received, with $49,716 still outstanding from four Member States.

III. Conclusions

23. The Secretary-General wishes to pay special tribute to the following Member States that had paid their assessments that were due and payable in full as at 30 September 2016, namely: Armenia, Australia, Benin, Canada, Chad, China, Côte d'Ivoire, Denmark, Georgia, Germany, Ireland, Israel, Kyrgyzstan, Latvia, Liechtenstein, Micronesia, Monaco, the Netherlands, New Zealand, Saint Kitts and Nevis, Senegal, Sierra Leone, Singapore, Sweden and Switzerland. Payments received after 30 September 2016 resulted in the addition of Finland to the list, bringing the total, at the time of reporting, to 26 Member States.

24. Cash positions are currently positive for all categories except the regular budget. Regular budget cash is at very low levels, and regular budget reserves (the Working Capital Fund and the Special Account) are almost exhausted. More severe cash problems will be experienced in the final months of the year unless sufficient contributions are received.

25. Currently, unpaid regular budget assessments remain at a significant level. New rates of assessment went into effect on 1 January 2016. By 30 September 2016, 126 Member States had already paid in full for the regular budget. The remaining Member States are urged to pay their regular budget contributions in full as soon as possible.

26. On the basis of the level of peacekeeping cash, the Secretariat continues to make every effort to expedite outstanding payments to Member States providing troops and formed police units and contingent-owned equipment. The level of outstanding payments to Member States is currently $588 million, reflecting a significant decrease in 2016 levels.

27. Given the limited reserves available, the financial health of the Organization continues to depend on Member States meeting their financial obligations in full and on time.